



Child Labor Requirements in Agricultural Occupations Under the Fair Labor Standards Act

Presented by the

**U.S. Department of Labor
Wage and Hour Division**



Child Labor in Agriculture

The following information applies to minors under age 16 employed in agriculture.



Two types of coverage:

- **Enterprise coverage:** If an enterprise is covered, all employees of the enterprise are entitled to FLSA protections.
- **Individual coverage:** Even if the enterprise is not covered, individual employees may be covered and entitled to FLSA protections.

Enterprise Coverage

Enterprises with:

- At least two (2) employees engaged in commerce
- At least \$500,000 a year in business
- Certain named entities

Individual Coverage

- Workers who are engaged in:
 - Interstate commerce
 - Production of goods for commerce
 - Closely related process or occupation directly essential (CRADE) to such production, or
 - Domestic service
- Engaging in “interstate commerce” includes:
 - Making telephone calls to other states
 - Typing letters to send to other states
 - Processing credit card transactions
 - Traveling to other states



Child Labor in Agriculture

The child labor rules that apply to agricultural employment depend on the age of the young worker and the kind of job to be performed. The rules are the same for all youth, migrant children as well as local resident children.

Children under 16 may not work when school is in session. In addition, the Secretary of Labor has declared that certain jobs in agriculture are too hazardous for anyone under 16 to perform.



Parental Exemption

The FLSA contains an exemption from the agricultural youth employment provisions which allows minors of any age to work at any time in any job on a farm owned or operated by their parent or a person standing in place of their parent.



Minimum Age Standards

Once young persons turn **16 years old**, they may perform any job in agriculture.

A minor **14 or 15 years old** may work in agriculture, on any farm, but only outside of school hours and in non-hazardous jobs.

A minor **12 or 13 years of age** may work in agriculture on a farm outside of school hours and in non-hazardous jobs, but only if a parent has given written permission or if a parent is working on the same farm as his or her child.



Minimum Age Standards

If the minor is **younger than 12**, he or she may work in agriculture only on small farms that are not required to pay the Federal minimum wage. The minor must have parental permission and may only be employed outside of school hours in non-hazardous jobs.

Under the FLSA, a **"small farm"** is exempt from the minimum wage requirements if it did not use more than 500 "man days" in any calendar quarter during the preceding year.



Minimum Age Standards

The FLSA still contains provisions that permit local minors who are 10 and 11 years of age to be employed to hand harvest short-season crops outside school hours for no more than 8 weeks between June 1 and October 15 if their employer has obtained a special waiver from the Secretary of Labor.



Permitted Occupations

Minors under age 16 may engage in many activities involved in agriculture.



Hazardous Occupations

The Secretary of Labor has prohibited employment in certain agricultural occupations for minors under the age of 16.



Hazardous Occupation No. 1

Bans operating tractors with in excess of 20 Power-Take-Off (PTO) horsepower



Hazardous Occupation No. 2

Bans operating or helping to operate pickers, combines, mowers and other implements

Exemption from Hazardous Occupations Nos. 1 and 2

14- and 15-year old minors who hold certificates of completion from the 4-H Federal Extension Service Training Program for either tractor operation or machine operation may work in the occupations for which they have been trained.



Hazardous Occupation No. 3

Bans operating (or helping to operate) trenchers, forklifts, potato combines or power-driven saws



Hazardous Occupation No. 4

Bans work with certain animals
in farmyards, pens or stalls



Hazardous Occupation No. 5

Bans felling timber with a diameter of over 6 inches



Hazardous Occupation No. 6

Bans working from ladders or scaffolds at heights over 20 feet

Exemption from Hazardous Occupations Nos. 1 through 6

14- and 15-year old student-learners enrolled in vocational agricultural programs are exempt from Hazardous Occupations Nos. 1 through 6 when certain requirements are met.

Hazardous Occupation No. 7

Bans driving a vehicle transporting passengers or riding on a tractor



Hazardous Occupation No. 8

Bans working inside certain storage structures and in manure pits



Hazardous Occupation No. 9

Bans handling certain agricultural chemicals

Hazardous Occupation No. 10

Bans handling blasting agents

Hazardous Occupation No. 11

Bans handling anhydrous ammonia



Tips for Employers

Remember, hired farmworkers may not waive the child labor requirements for their own children.



Tips for Employers

Verify ages of young employees

Know the child labor requirements

Train managers on the child labor requirements

Give minor employees information on the child labor requirements



More Employer Tips

Review time records for minors

Post warning labels on prohibited equipment

Make compliance important

Encourage minors to say “no” if asked to do something prohibited



Tips for Young Workers

Know what you can and cannot do

Know when you can and cannot work

Be aware of your work surroundings

Politely say “no” when asked to do something not allowed

Compliance Assistance



www.youthrules.dol.gov

The Department of Labor launched ***YouthRules!*** to help employers, parents, teachers, and working teens understand and comply with federal and state youth employment provisions.

Visit the ***YouthRules!*** Website for important information that will help young workers find and maintain positive and safe employment.

Compliance Assistance Materials - Child Labor

- The Fair Labor Standards Act
- The Regulations 29 CFR 570
- Child Labor Bulletin 102
- Handy Reference Guide
- Child Labor Advisor
- Fact Sheet 40
- Poster

Enforcement

Enforcement is conducted out by Wage and Hour staff throughout the U.S.

Employers who violate the child labor provisions are subject to a civil money penalty of up to \$11,000 for each violation.

Federal law prohibits the interstate movement of goods produced where child labor violations are found.

Additional Information

- Visit the WHD homepage at:
www.wagehour.dol.gov
- Call the WHD toll-free information and helpline at **1-866--487-9243**
- Use the DOL interactive advisor system - **ELAWS** (**E**mployment **L**aws **A**ssistance for **W**orkers and **S**mall Businesses) at:
www.dol.gov/elaws
- Call or visit the nearest Wage and Hour Division Office

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